having a threaded bore, said legs having free ends opposite said wall, said cage being adapted for implanting between said adjacent vertebrae with outer surfaces of said legs engaging said vertebrae respectively;

b) an anterior expansion cap having a wedge member positioned between said free ends of said legs in such a manner that movement of said wedge member toward said wall urges said leg free ends apart; and

c) a fastener engaging said wedge member and extending between said wedge member and said wall; said fastener having a shank that is posteriorly threaded so as to be threadedly received in a threaded bore in said wall; said fastener being rotatable so as to advance in said bore to selectively urge said wedge member toward said wall.

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4 (Amended). An apparatus for positionally stabilizing adjacent vertebrae of a spine by promotion of bone fusion between the adjacent vertebrae, said apparatus comprising:

a) an implant for anteriorly implanting between a pair of adjacent vertebrae, said implant adapted to promote

bone growth between the adjacent vertebrae and having a posterior wall;

b) an expansion cap coupled with an anterior end of said implant for expanding an anterior portion of said implant for forming said implant into a predetermined angle to cause a change in the alignment of the adjacent vertebrae; and

c) a fastener mechanism operably mating with said expansion cap at an anterior end of said fastener mechanism and being threadedly received at a posterior end of said fastener mechanism in a bore in said wall; said fastener mechanism operably securing said expansion cap to said implant during use.

11 (Amended). An apparatus for positionally stabilizing adjacent vertebrae of a spine by promotion of bone fusion between the adjacent vertebrae, said apparatus comprising:

a) an anteriorly expandable implant adapted to promote bone growth between the adjacent vertebrae; said implant having upper and lower legs joined posteriorly by a wall; said wall operably preventing posterior expansion of said implant;

b) an expansion member coupled with said implant for operably expanding an anterior portion of said implant so as to modify the angular configuration of the upper and lower legs by spacing the anterior ends of the upper and lower legs;

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c) an anterior cover assembly having upper and lower support surfaces for supporting an anterior region of the adjacent vertebrae; and

d) a fastener mechanism operably securing said cover assembly and said expansion member to said implant during use.

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21 (Amended). A method of stabilizing and promoting bone fusion between two adjacent vertebrae comprising the steps of:

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a) providing an implant adapted to promote bone growth;

b) anteriorly implanting said implant between a pair of adjacent vertebrae;

c) providing an anteriorly positioned expansion cap adapted for expanding an anterior portion of said implant to a predetermined angle;

d) providing a fastener that extends between said cap and a posterior wall of said implant with said fastener

being threadedly connected to said posterior wall; and

e) coupling said expansion cap with said implant and rotating said fastener so as to advance said fastener to expand an anterior end of said implant by operation of said expansion cap to a predetermined angle to cause a change in the alignment of the adjacent vertebrae.

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25 (Amended). In an anterior inserted fusion cage apparatus having a fusion cage for operably positioning between vertebrae and having a posterior wall, the improvement comprising:

a) an anterior expansion cap for expanding an anterior end said cage to a selected degree of expansion; and

b) a fastener extending between said cap and said wall; said fastener cooperating with said cap and said wall to expand said anterior end of said cage.

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30 (Amended). An implant apparatus for positioning between adjacent vertebrae and comprising:

a) an anteriorly inserted fusion cage having a pair of legs interconnected at one end of each leg by a posterior wall, said legs having free ends opposite said wall, said cage being adapted for implanting

between said adjacent vertebrae with outer surfaces of said legs engaging said vertebrae respectively; and

b) an expansion cap positioned between said free ends of said legs and including a fastener extending between said cap and said wall; said fastener being threadably received in said wall and advancable so as to urge said cap toward said wall, whereby said leg free ends are urged apart and the spacing between the top and bottom of said cage at an anterior end thereof is increased, said cap not expanding the size of said cage from side to side.

The following are proposed amended claims with changes indicated by underlining for additions and bracketing for deletions.

1 (Amended). An implant apparatus for positioning between adjacent vertebrae and comprising:

a) [a] an anterior inserted fusion cage having a pair of legs interconnected at one end each by a posterior wall having a threaded bore, said legs having free ends opposite said wall, said cage being adapted for implanting between said adjacent vertebrae with outer surfaces of said legs engaging said vertebrae

respectively;

b) an anterior expansion cap having a wedge member positioned between said free ends of said legs in such a manner that movement of said wedge member toward said wall urges said leg free ends apart; and

c) a fastener engaging said wedge member and extending [engaged] between said wedge member and said wall; said fastener having a shank that is posteriorly threaded so as to be threadedly received in a threaded bore in said wall; said fastener being rotatable so as to advance in said bore [and operable] to selectively urge said wedge member toward said wall.

4 (Amended). An apparatus for positionally stabilizing adjacent vertebrae of a spine by promotion of bone fusion between the adjacent vertebrae, said apparatus comprising:

d) an implant for anteriorly implanting between a pair of adjacent vertebrae, said implant adapted to promote bone growth between the adjacent vertebrae and having a posterior wall;

e) an expansion cap coupled with an anterior end of said implant for expanding an anterior portion of said

implant for forming said implant into a predetermined angle to cause a change in the alignment of the adjacent vertebrae; and

f) a fastener mechanism operably mating with said expansion cap at an anterior end of said fastener mechanism and being threadedly received at a posterior end of said fastener mechanism in a bore in said wall; said fastener mechanism operably securing said expansion cap to said implant during use.

11 (Amended). An apparatus for positionally stabilizing adjacent vertebrae of a spine by promotion of bone fusion between the adjacent vertebrae, said apparatus comprising:

a) an anteriorly expandable implant adapted to promote bone growth between the adjacent vertebrae; said implant having upper and lower legs joined posteriorly by a wall; said wall operably preventing posterior expansion of said implant;

b) an expansion member coupled with said implant for operably expanding an anterior portion of said implant so as to modify the angular configuration of the upper and lower legs by spacing the anterior ends of the

upper and lower legs; [for forming said implant into a predetermined angle to cause alignment of the adjacent vertebrae;]

c) [a] an anterior cover assembly having upper and lower support surfaces for supporting an anterior region of the adjacent vertebrae; and

d) a fastener mechanism operably securing said cover assembly and said expansion member to said implant during use.

21 (Amended). A method of stabilizing and promoting bone fusion between two adjacent vertebrae comprising the steps of:

a) providing an implant adapted to promote bone growth;

b) anteriorly implanting said implant between a pair of adjacent vertebrae;

c) providing an anteriorly positioned expansion cap adapted for expanding an anterior portion of said implant to a predetermined angle; [and]

d) providing a fastener that extends between said cap and a posterior wall of said implant with said fastener being threadedly connected to said posterior wall; and

[d] e) coupling said expansion cap with said implant and

rotating said fastener so as to advance said fastener to expand an anterior end of [expanding] said implant by operation of said expansion cap to a predetermined angle to cause a change in the alignment of the adjacent vertebrae.

25 (Amended). In [a] an anterior inserted fusion cage apparatus having a fusion cage for [insertion] operably positioning between vertebrae and having a posterior wall, the improvement comprising:

a) an anterior expansion cap for expanding an anterior end said cage to a selected degree of expansion[.] ; and

b) a fastener extending between said cap and said wall; said fastener cooperating with said cap and said wall to expand said anterior end of said cage.

30 (Amended). An implant apparatus for positioning between adjacent vertebrae and comprising:

a) [a] an anteriorly inserted fusion cage having a pair of legs interconnected at one end of each leg by a posterior wall, said legs having free ends opposite said wall, said cage being adapted for implanting between said adjacent vertebrae with outer surfaces of

said legs engaging said vertebrae respectively; and

b) an expansion cap positioned between said free ends of said legs and including a fastener extending between said cap and said wall; said fastener being threadably received in said wall and advancable so as to urge said cap toward said wall, whereby [in such a manner that movement of said cap toward said wall urges] said leg free ends are urged apart and [increase] the spacing between the top and bottom of said cage at [least one end of said implant] an anterior end thereof is increased, said cap not expanding the size of said [implant] cage from side to side.

REMARKS:

The Office Action mailed August 1, 2001 has been received and carefully considered. Reconsideration of the application as amended hereby is respectfully requested.

It is noted that an extremely shortened response time of only one month was granted for replying to an action on the merits of the claims. Normally, a shortened statutory period of three months is granted for such a response. The reason for the extremely short period is not understood.

Claims 1, 3, 4, 6 and 25 were rejected as anticipated by